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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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ROBERT BIPLOVE TIMILSINA and BIG  
DADDY'S PIZZA RESTAURANT, LLC, a  
Utah limited liability company,

Plaintiffs,

v.

WEST VALLEY CITY, a municipal  
corporation, and DOES 1-10,

Defendants.

**MEMORANDUM DECISION AND  
ORDER ADOPTING REPORT  
AND RECOMMENDATION**

Case No. 2:14-cv-00046-DN-EJF

District Judge David Nuffer  
Magistrate Judge Evelyn J. Furse

The Report and Recommendation<sup>1</sup> issued by United States Magistrate Judge Furse on July 1, 2015 recommends that West Valley City's Cross-Motion for Summary Judgment<sup>2</sup> be GRANTED and Mr. Timilsina's Motion for Summary Judgment<sup>3</sup> be DENIED.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#).<sup>4</sup> As of the date of this Order, no objection has been filed to the Report and Recommendation.

De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. The analysis and conclusion of the magistrate judge are correct and the Report and Recommendation will be adopted.

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<sup>1</sup> Report and Recommendation ("R&R"), [docket no. 38](#), entered July 1, 2015.

<sup>2</sup> West Valley City's Cross-Motion for Summary Judgment, [docket no. 21](#), filed August 8, 2014.

<sup>3</sup> Plaintiffs' Motion for Summary Judgment and Memorandum in Support of Thereof, [docket no. 19](#), filed June 30, 2014.

<sup>4</sup> See R&R at 24-25.

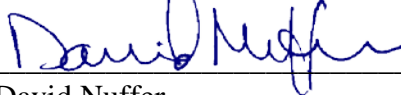
Because there was no objection to granting West Valley City's Cross-Motion for Summary Judgment, the relief requested by West Valley City—an order “dismissing Plaintiffs’ Complaint as a matter of law”<sup>5</sup>—is awarded.

IT IS HEREBY ORDERED that the Report and Recommendation<sup>6</sup> is ADOPTED. West Valley City's Cross-Motion for Summary Judgment<sup>7</sup> is GRANTED and Mr. Timilsina's Motion for Summary Judgment<sup>8</sup> is DENIED. The above-captioned matter is DISMISSED with prejudice.

The Clerk is directed to close the case.

Dated August 3, 2015.

BY THE COURT:



David Nuffer  
United States District Judge

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<sup>5</sup> West Valley City's Cross-Motion for Summary Judgment at 1, [docket no. 21](#), filed August 8, 2014.

<sup>6</sup> Report and Recommendation (“R&R”), [docket no. 38](#), entered July 1, 2015.

<sup>7</sup> West Valley City's Cross-Motion for Summary Judgment, [docket no. 21](#), filed August 8, 2014.

<sup>8</sup> Plaintiffs' Motion for Summary Judgment and Memorandum in Support of Thereof, [docket no. 19](#), filed June 30, 2014.